

ESTTA Tracking number: **ESTTA155378**Filing date: **08/07/2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	John Daly Enterprises, LLC
Granted to Date of previous extension	08/11/2007
Address	PO Box 585159 Orlando, FL 32858 UNITED STATES

Attorney information	Joel T. Galanter Adams and Reese LLP 424 Church Street, Suite 2800 Nashville, TN 37219 UNITED STATES joel.galanter@arlaw.com, lydia.jones@arlaw.com Phone:615-259-1450
----------------------	---

Applicant Information

Application No	77041508	Publication date	06/12/2007
Opposition Filing Date	08/07/2007	Opposition Period Ends	08/11/2007
Applicant	Dunlop Slazenger Group Limited Grenville Court, Britwell Road, Burnham Buckinghamshire, SL18DF UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 028. All goods and services in the class are opposed, namely: Bags adapted for sporting articles; golf clubs; putters, namely golf putters; golf balls; putting golf balls; golf mats; gloves for golf; golf bags; bags adapted to carry equipment for golf; caddies bags for golf clubs; shaped covers for golf clubs; shaped covers for golf club heads; golf club covers; grips for golf clubs; handles for golf clubs; head covers for golf clubs; bag stands for golf clubs; golf club hoods; shaped covers for golf bags; golf bag travel covers; golf club bags; trolley bags for golf equipment
--

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
---------------------------------------	------	------------------	------

Registration Date	NONE
Word Mark	GRIP IT & RIP IT
Goods/Services	golf-related goods and services

Attachments	8-7-07 TTAB Opposition - GRIP IT & RIP IT.pdf (4 pages)(15869 bytes)
-------------	---

Signature	/Joel T. Galanter/
Name	Joel T. Galanter
Date	08/07/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of: Trademark Application Serial No. 77/041508

Filed on: 11/10/2006

For the mark: GRIP IT & RIP IT

Published in the Official Gazette on 06/12/2007

John Daly Enterprises, LLC)	
(Opposer))	
)	
v.)	Opposition No. _____
)	
Dunlop Slazenger Group Limited)	
(Applicant))	

NOTICE OF OPPOSITION

1. The opposer in this matter is John Daly Enterprises, LLC and all of its predecessors in title (hereinafter referred to as "Opposer").

2. Opposer, John Daly Enterprises, LLC, is a limited liability company organized under the laws of Florida with an address of PO Box 585159, Orlando, Florida, 32858.

3. Opposer believes that it will be damaged by registration of the mark shown in Application Serial No. 77/041508, and hereby opposes the same under Section 13 of the Trademark Act of July 5, 1946, 15 U.S.C. §1063. The required opposition fee accompanies the electronic filing of this Notice of Opposition.

4. Applicant is Dunlop Slazenger Group Limited, a private limited company of the United Kingdom, with an address of Grenville Court, Britwell Road, Burnham, Buckinghamshire SL18DF, United Kingdom.

5. The grounds for opposition are as follows:

6. Applicant seeks to register the mark GRIP IT & RIP IT bearing Application Serial No. 77/041508 in connection with “bags adapted for sporting articles; golf clubs; putters, namely golf putters; golf balls; putting golf balls; golf mats; gloves for golf; golf bags; bags adapted to carry equipment for golf; caddies bags for golf clubs; shaped covers for golf clubs; shaped covers for golf club heads; golf club covers; grips for golf clubs; handles for golf clubs; head covers for golf clubs; bag stands for golf clubs; golf club hoods; shaped covers for golf bags; golf bag travel covers; golf club bags; trolley bags for golf equipment” in class 28, as evidenced by publication of the mark in the Official Gazette of June 12, 2007.

7. Opposer has used the GRIP IT & RIP IT mark in interstate commerce in connection with the sale of golf-related goods and services (hereinafter collectively referred to as “Opposer’s Goods and Services”) since at least as early as 1991. This use has been valid and continuous and in interstate commerce since the aforementioned date and has not been abandoned.

8. There is no issue as to priority, as Application Serial No. 77/041508 was filed on an intent-to-use basis on November 10, 2006 and Applicant has not yet filed a Statement of Use. Applicant’s filing date is subsequent to Opposer’s first use of the mark in 1991.

9. Now and at the time Applicant filed Application Serial No. 77/041508 and signed the Declaration required upon submission of an application: Applicant had actual and constructive knowledge of Opposer’s prior rights in the GRIP IT & RIP IT mark; Applicant believed that a likelihood of confusion would result or had no reasonable basis

for believing that a likelihood of confusion would not result from its registration and use of the mark; Applicant knew it was not the rightful owner of the mark; and Applicant willfully made false statements when it signed the Declaration, with the intent to deceive the U.S. Trademark Office and obtain a registration to which it is not entitled.

10. Applicant's mark is identical to Opposer's mark in sound, appearance, and commercial impression.

11. Both the goods specified in Application Serial No. 77/041508 and Opposer's Goods and Services are in the field of golf and golf accessories and are either identical or closely related.

12. Because the marks are identical and the goods and services are identical and closely related, Opposer's customers and the general public are likely to be confused, mistaken, or deceived as to the affiliation, connection, or association of Applicant with Opposer, and would likely be misled into believing that Applicant's goods under the mark are provided, sponsored, or approved by Opposer.

13. Opposer's GRIP IT & RIP IT mark is symbolic of extensive goodwill and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion through various channels of trade, with the result that customers and the public in general have come to know and recognize the GRIP IT & RIP IT mark and to identify and associate it with Opposer.

WHEREFORE, Opposer prays that Application Serial No. 77/041508 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Date: August 7, 2007

/Joel T. Galanter/

Joel T. Galanter
Lydia A. Jones
Attorneys for Opposer
Adams and Reese LLP
424 Church Street, Suite 2800
Nashville, Tennessee 37219

Phone: (615) 259-1450
Facsimile: (615) 259-1470
joel.galanter@arlaw.com
lydia.jones@arlaw.com